

ENTERED

October 06, 2016

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

EDDIE JAY THATCHER,

Plaintiff,

v.

OAKBEND MEDICAL CENTER,

Defendant.§
§
§
§
§
§
§
§
§
§

CIVIL ACTION H-14-3551


ORDER

Pending before the court is a motion for final judgment filed by plaintiff Eddie Jay Thatcher. Dkt. 68. Thatcher requests that the court enter judgment based on a February 10, 2016 jury verdict and an August 29, 2016 order on defendant OakBend Medical Center's motion for judgment as a matter of law. *Id.* Thatcher additionally requests attorneys' fees, costs, pre-judgment interest, and post-judgment interest. *Id.* Thatcher's proposed final judgment contains a proposed prejudgment interest award of 18 percent per annum on the \$5,000 award for lost earnings and a post-judgment interest at the current rate equal to the weekly average one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the week preceding the date of the judgment. *Id.* OakBend responds that the prejudgment interest rate is within the court's discretion and post-judgment interest is governed by 28 U.S.C. § 1961. Dkt. 70. OakBend requests that the court reduce the prejudgment interest to a rate it deems appropriate. *Id.*

Thatcher's motion for judgment is GRANTED IN PART AND DENIED IN PART. The court will issue a final judgment concurrently with this order that will award (1) damages in accordance with the jury's award and the court's order on OakBend's motion for judgment as a

matter of law, (2) fees and costs in accordance with the court's order on Thatcher's motion and supplement motion for attorneys' fees and costs; and (3) prejudgment and post-judgment interest. However, the prejudgment interest will be reduced to 2% per annum on the \$5,000.00 in wages from the date this claim was filed (April 14, 2014) until the date of judgment (February 10, 2016).

Signed at Houston, Texas on October 6, 2016.



Gray H. Miller
United States District Judge